

ZB# 02-30

Denhoff Development Corp.

9-1-15.1

#02-30 Denhoff Dev. Corp.
Area

9-1-15.1

Acclm.

May 13, 2002

Public Hearing:

June 10, 2002.

Heard

Refund:

\$362.50

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Denhoff

FILE# 02-30

RESIDENTIAL: \$50.00
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA X

USE

APPLICATION FOR VARIANCE FEE \$ 150.00

* * *

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 500.00

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE 5/13/02 \$ 22.50
2ND PRELIMINARY- PER PAGE 6/10/02-10 \$ 45.00
3RD PRELIMINARY- PER PAGE \$
PUBLIC HEARING - PER PAGE \$
PUBLIC HEARING (CONT'D) PER PAGE \$

TOTAL \$ 67.50

ATTORNEY'S FEES: \$35.00 PER MEEETING

PRELIM. MEETING: 5/13/02 \$ 35.00
2ND PRELIM. 6/10/02 \$ 35.00
3RD PRELIM. \$
PUBLIC HEARING. \$
PUBLIC HEARING (CONT'D) \$

TOTAL \$ 70.00

MISC. CHARGES:

..... \$
TOTAL \$ 137.50

LESS ESCROW DEPOSIT \$ 500.00
(ADDL. CHARGES DUE) \$
REFUND DUE TO APPLICANT . \$ 362.50

*paid ck.
#529-
6/4/02
paid ck.
#530.*

DENHOFF DEVELOPMENT CORPORATION
711 THIRD AVE.
NEW YORK, NY 10017

1-2-920
210

529

DATE 5-29-02

PAY TO THE
ORDER OF

Town of New Windsor
One Hundred Fifty And 9/10

\$ 150 ⁰⁰/₁₀₀

DOLLARS

 CHASE

The Chase Manhattan Bank
453 East 86th Street
New York, NY 10028

MEMO

VARIABLE APPLICATION FEE 28A

#02-30

⑆02⑆00002⑆⑆182⑆⑆2837⑆⑆

0524

SAFETY PAPER

DENHOFF DEVELOPMENT CORPORATION

711 THIRD AVE.
NEW YORK, NY 10017

1-2
210

530

DATE 5-29-02

PAY TO THE
ORDER OF

TOWN OF NEW WINNERS

\$ 500 ⁰⁰/₁₀₀

FIVE HUNDRED AND 00/100

DOLLARS



CHASE

The Chase Manhattan Bank
453 East 86th Street
New York, NY 10028

MEMO

CONSULTANT ESCROW FEE ZBA
#02-30

⑆02⑆00002⑆⑆182⑆⑆2837⑆⑆

0530

In the Matter of the Application of
DENHOFF DEVELOPMENT CORP.

MEMORANDUM OF
DECISION GRANTING
AREA VARIANCES

#02-30.

WHEREAS, DENHOFF DEVELOPMENT, % Mike Denhoff, 711 Third Avenue, 15th Floor, New York, N. Y. 10017, has made application before the Zoning Board of Appeals for a 14 ft. maximum building height, plus 22 parking space variance for construction of a retail complex at 124 Windsor Highway in a C zone; and

WHEREAS, a public hearing was held on the 10th day of June, 2002 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared by Greg Shaw, P. E. on behalf of this Application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor or opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.

2. The evidence presented by the Applicant showed that:

(a) The property is a commercial property located in a neighborhood of commercial properties on a busy State highway.

(b) This Applicant had previously sought and obtained the same variance requested herein, but, due to economic conditions, performed no construction pursuant to that variance and it has, therefore, lapsed.

- (c) The Zoning Local Law of the Town of New Windsor has changed since the original application and whereas the Application complied with the parking requirements as they existed at the time of the original Application, the Application no longer applies to those parking requirements.
- (d) The Applicant has located the maximum number of parking spaces that are appropriate for this development.
- (e) The topography of the property is such that a substantial amount of re-grading and construction of a retaining wall will be necessary in order to utilize the property.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variances will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant which can produce the benefits sought.
3. The variances requested are substantial in relation to the Town regulations but nevertheless are warranted for the reasons listed above.
4. The requested variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed.
6. The benefit to the Applicant, if the requested variances are granted, outweigh the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variances are appropriate and are the minimum variances necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
8. The interests of justice will be served by allowing the granting of the requested area variances.

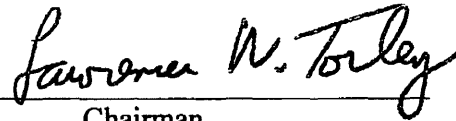
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for 14 ft. maximum building height, plus 22 parking space variance for construction of a retail complex at 124 Windsor Highway in a C zone as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: September 09, 2002.


Chairman

Date April 28, 2000

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Denhoff Development Corporation DR.
711 Third Ave, New York, NY 10017

DATE		CLAIMED	ALLOWED
6/28/02	Refund of Suror Deposit # 02-30	\$362.50	
	Approved: Patricia A. Corsetti 25A		

Date 6/28/82

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Frances Roth DR.
168 N. Drury Lane
Newburgh N.Y. 12550

DATE			CLAIMED	ALLOWED
6/10/82	Zoning Board Mtg		75 00	
	Misc. - 4			
	Kochan - 5			
	Hudson Valley Drilling - 2			
	Weissman - 3			
	House of Apache - 21			
	Donnan - 4			
	Westage Corp. - 3			
	Smith - 2			
	Deinhoff - 10			
	<u>54</u>		<u>243 00</u>	
			<u>318 00</u>	

DENHOFF DEVELOPMENT

Mr. Gregory Shaw of Shaw Engineering appeared before the board for this proposal.

MR. TORLEY: Request for 14 ft. maximum building height and 22 parking space variance for construction of retail complex at 124 Windsor Highway in a C zone.

MS. CORSETTI: For the record, we sent out 11 notices on May 23.

MR. TORLEY: Is there anyone in the audience besides the applicant who wishes to speak on this matter? Let the record show there is none.

MR. SHAW: This variance pales in comparison to the request that you had earlier tonight.

MR. TORLEY: Fourteen foot building height variance is still the spiral?

MR. SHAW: Yes, I have the architectural drawings, I thought I'd pass around so you can get a flavor for the architecture of the building.

MR. TORLEY: Gentlemen, in the past I think before several of you were on the board this matter was before us with the same spiral and it was the variance was granted for this architectural feature.

MR. KANE: You guys pick that up?

MR. MCDONALD: Yes.

MR. TORLEY: The difference is that that variance expired and we're now dealing with a change in the parking.

MR. SHAW: Correct.

MR. KANE: Basically, the project's staying the same except for the parking?

MR. SHAW: Yes. Mr. Chairman, maybe it would be

appropriate if I just read into the record that which I prepared for the application, I think it will touch on all the salient features and give your board the information that it needs to make the decision tonight. The subject parcel is 1.8 acres in size and is located in the west side of Windsor Highway within the designed shopping zoning district. Windsor Highway is a New York State highway and the the main commercial corridor for the Town of New Windsor. The applicant proposes to construct building for retail use totaling 12,960 square feet along with associated site improvements, including a parking area totaling 65 spaces. This use is permitted within the design shopping zoning district. This project was originally proposed in 1990 and received two building height variances from the Zoning Board of Appeals and conditional site plan approval from the Planning Board. Due to the economic downturn into the 1990's, the retail building was never constructed and the variances and approval lapsed after extensions. The applicant proposes to construct the same building in the same location on the site. Where building height variances were previously granted in 1990 for the building structure and clock tower, only a building height variance is being requested at this time for the clock tower. This elimination of one variance is due to revisions to the zoning ordinance since 1990 allowing more liberal building height for the same setback. The clock tower will be 50 feet at its highest point, 14 feet in excess of that allowed by the zoning ordinance. In the preparation of the architectural drawings, the project architect felt that the scale of the clock tower would work well with the topography of the site and Snake Hill immediately behind the site. The 25 square foot clocktower's colonial style would be consistent with the historic nature of the Town of New Windsor. Just as important, it became imperative for the applicant to create an attractive building for retailers, their customers and the public in general. In the zoning changes of the 1990's, The New Windsor Zoning Ordinance was amended to substantially increase the number of off-street parking spaces required for retail use. For the total building area of 12,960 square feet, the zoning ordinance requires 87 parking spaces. As the site can only support 65 spaces, the applicant is seeking an area

variance for 22 spaces. An argument could be made that the shortfall of the parking spaces is the result of a self-created hardship on the part of the applicant and that if the building was made smaller, the parking variance would not be required. This might be true if economics was not a major factor in the development of commercial property. As presented above, Windsor Highway is the main commercial corridor in New Windsor with the cost of vacant land at a premium. Also, monies have to be invested in the construction of the building to make it attractive to prospective tenants. The result is a substantial investment in the project. A simple answer would be increase rents to cover the cost of the building and site improvements, but unfortunately, rental income is dictated by the local rental market. The key to balancing the cost of an attractive project in a commercial corridor and renting this space at market value is spreading the cost of the project over a greater rental area. Should an area variance for the 22 spaces be granted by the board, it would not be out of character with the retail neighborhood along Windsor Highway. The requirement to provide one parking space for every 150 square feet of total building area was only mandated in the 1990's. There was then and are now hundreds of functioning businesses with less than the number of spaces required by current zoning. Because the Town Board enacted a law to increase the number of required parking spaces does not necessarily mean that retail sites that provide a reduced number of spaces based on the previous zoning laws are inadequate to service its employees and customers. The granting of the two subject variances are not substantial when considering the size and configuration of the parcel. The granting of the variance is not detrimental to the health, safety or welfare of the neighborhood since the property is located in the design shopping zone and is a permitted use. The granting of the variance will not have an adverse impact on the physical or environmental conditions in the neighborhood or zoning district. The granting of the variances will not produce an undesirable change in the neighborhood or be a detriment to adjoining properties. There is no other method that the applicant can pursue other than a variance sought in this application. In view of all

the facts and circumstances presented to the board, the applicant respectfully requests that the variance sought be granted.

MR. TORLEY: Two questions I have, actually, more than two, if the applicant wished to do more extensive earth moving, he could fit many more spaces on at least the front side of this property, can he not?

MR. SHAW: On the front side of this property you're going to have to--

MR. TORLEY: On this area here, this could be by dirt moving multi-layer parking, a parking garage, he could meet the requirements, could he not?

MR. SHAW: If he were to put a parking garage in, sure, I don't think a parking garage could fit, that would be a structure and we'd be back before the board for variances on that, also.

MR. TORLEY: Secondly, how much of a reduction percentage wise or raw number would be required in the building area so that the proposed number of parking spaces would meet the code?

MR. SHAW: There would have to be a 25 percent reduction in the plan that was approved by the planning board, I believe 25 percent of the building was designated as storage, therefore, we provided parking for 75 percent of the building. Nothing has changed. Therefore, the building would have to be 75 percent of what it presently is.

MR. KRIEGER: If the board granted a variance at this point, would you be willing to condition that variance on the using 25 percent of the building for storage, in other words, you no longer have to designate a storage portion of the building because the parking you don't get any advantage, parking doesn't require it, would you be willing to have as a condition of the same commitment that you made previously by designating 25 percent of the building for storage?

MR. SHAW: Can I ask your building inspector whether

that 25 percent figure is reasonable in retail operations? Is 25 percent an appropriate number?

MR. TORLEY: That's what you gave us before.

MR. BABCOCK: That's because typically, I would say yes. The problem with what I see with that is the enforcement of it and somebody that's going to rent as tenants, move in and move out and move walls and keep on going and years to come who has 25 percent, who doesn't, I don't think that's ever going to happen.

MR. KRIEGER: Well, I understand enforcement might be difficult, quite frankly, if there's no complaint, it will never be necessary.

MR. BABCOCK: That's correct.

MR. KRIEGER: So you only want to have it in the record in case there's a complaint that such a complaint could be resolved at that point which you may never have to do that.

MR. TORLEY: Besides as the landlord, you can specify what you want, maybe.

MR. BABCOCK: Maybe if you said 25 percent being non retail, I think would have no problem. Now, if you have bathrooms and so on and--

MR. KANE: Office space is in back.

MR. SHAW: Non retail or office.

MR. BABCOCK: Right.

MR. SHAW: If we have a display area, all right, we wouldn't be at one per 150 square feet for display area.

MR. TORLEY: I don't remember the code on that.

MR. REIS: We're here as a matter of theory as certain laws designated for certain amount of space but in all practicality, each of these stores are probably going

to have a john, probably going to have a storage area and to not to make it more ambiguous knowing this, why not vote on it the way it is.

MR. TORLEY: Because the Town Board whose code we're charged with interpreting not ignoring decided that.

MR. KANE: But we're not enforcement for the Town Law, we're judiciary.

MR. TORLEY: We're required to make the smallest possible variance as possible.

MR. REIS: Based on these assumptions which are accurate.

MR. TORLEY: We can put in reasonable restrictions on any variances that we have and a variance and restriction on the hypothetical at this point variance that says you had originally described 25 percent of the area of the building as non retail space.

MR. SHAW: Correct.

MR. TORLEY: And the attorney's suggesting that should you be willing to stipulate that that's your, still your intention and will remain so, it might make it easier on, make your justification for your variances more palatable.

MR. BABCOCK: If they were to get one tenant that wanted this entire building as a retail store, that would be a problem for him. If they get several tenants, divide this building up every 20 feet like a little strip mall absolutely no problem. So I see the problem is that for marketing, they would have to submit to that if that's what the board is looking for.

MR. KRIEGER: Even if it were a single tenant some portion of the use would be non-retail, maybe it wouldn't be 25 percent, maybe it would be, you tell the board what it would be, but I can't imagine that you'd get a tenant who would use a hundred percent of the space as retail space, all retail requires they have to have bathrooms.

MR. BABCOCK: As the size gets bigger, 25 percent of the size for storage increases also so--

MR. TORLEY: But remember the Town Board looked at the situations they had of parking and retail areas and decided this is what it should be. The applicant is asking for relief from the law passed by the elected officials of the town and I think a reasonable stipulation or change in restriction on the variance that you originally proposed 25 percent as non-retail space just say that's what you're going to do and again enforcement depends upon complaints but enforcement does exist and Mike is very good at enforcing the code when there's a complaint.

MR. BABCOCK: I can tell you we're definitely going to enforce it if that's what it is.

MR. TORLEY: Never any question.

MR. SHAW: When it comes time for a building permit and they're submitted for an applicant and he shows storage space at 20 percent, does Mike issue the building permit or at that point Mike has to say I'm sorry, but I can't issue the building permit to rehab the inside of the building because you're less than 25 percent.

MR. TORLEY: Yeah, if you stipulate to 25 percent that's what you're stipulating to.

MR. SHAW: I'd prefer not to stipulate to 25 percent. I would ask that the board based upon the information I presented, not handcuff my client to all future tenants making sure that they provide 25 percent. I understand your point but that's what we're here for tonight is for a variance, a deviation from the zoning ordinance.

MR. TORLEY: Again, you originally said we're going to say 25 percent non-retail space.

MR. BABCOCK: What happens is that actually they never said or stipulated that they would have 25 percent, the law allowed you to deduct 25 percent of the area and not create parking for it.

MR. TORLEY: On the assumption that would be.

MR. BABCOCK: That's correct, but if somebody didn't have, one guy had 30 percent and the next guy had three percent and next guy had none, it didn't matter.

MR. SHAW: I can see where it becomes an accounting nightmare because if we're talking 25 percent of the entire building of each and every tenant, if someone's in at 15 percent, does that mean that someone can go 20 to 30 percent with the next tenant or is it 25 percent for each and every store across the board, even though one may have 50% storage, the guy next to him, makes no difference, you have to have 25, so who keeps track of the building? I may not be around.

MR. TORLEY: The owner, if the owner stipulated to that restriction on the variance, he's responsible for it. Now, the Town Board has said we want to have this many parking spaces, you have a simple way of meeting the code which reduces the size of the building, there's nothing there.

MR. KANE: I've got to disagree with this. I know that's your personal opinion but we're a judiciary committee, I don't agree with forcing it to admit to 25 percent when you haven't even polled the board members. That's the way it's coming across.

MR. TORLEY: If it seems that way, I apologize, I'm saying that I've got one vote out of the five here and that's it, I can't, I'm not going to brow beat anybody. My point is that was my opinion.

MR. KANE: But you're stating like it's a forced issue.

MR. TORLEY: I apologize if it seemed that way. I did not intend it to be that way.

MR. KRIEGER: To a certain extent the fault was mine, I asked it merely as a question to, which then triggered discussion by the applicant.

MR. KANE: And I agree with that, it was coming across

that it wasn't a discussion.

MR. TORLEY: Is there any other matters that you wish to discuss on this application?

MR. KANE: And Greg, there's nowhere on here that you can squeeze in a couple more parking spaces and knock that down a little?

MR. SHAW: No, we have maxed that out, we have a retaining wall in the front that's going to be about 9 feet in height, okay. In order to get those parking spaces which are closest to the lands of Strack (phonetic) along 32 and in the back, we have another 12 foot high retaining wall so we have effectively 24 feet of vertical changing grade that we're going to have to support with retaining walls. Again, just to get every possible parking space in there, we could, and it gets even more complicated because there's a retaining wall on United Rentals' property formally Calvet that sits right on the property line, so we really can't get too close to that and play with that and start stacking retaining walls. So I think we've done everything we could to maximize each and every parking space. It's just that the code changed.

MR. TORLEY: Gentlemen, do you want to take the variances singly or together? Entertain a motion either way.

MR. REIS: Separate would be appropriate.

MR. TORLEY: Okay, do I hear a motion regarding the clock tower?

MR. REIS: Make a motion that we approve the Denhoff Development's request for a 14 foot maximum building height tower at 124 Windsor Highway.

MR. MCDONALD: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. MC DONALD	AYE

MR. KANE	AYE
MR. REIS	AYE
MR. TORLEY	AYE

MR. TORLEY: Do I hear a motion regarding--

MR. KANE: I move we approve the requested variance of 22 parking spaces by Denhoff Development for 124 Windsor Highway.

MR. REIS: Second it.

MR. TORLEY: That's your entire motion?

MR. KANE: That's my motion, yes.

MR. TORLEY: Thank you. Roll call.

ROLL CALL

MR. RIVERA	AYE
MR. MC DONALD	AYE
MR. KANE	AYE
MR. REIS	AYE
MR. TORLEY	NO

MS. CORSETTI: Motion is passed five ayes and four nays.

MR. SHAW: Thank you very much.

OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK

Prelim.
May 13, 2002
#02-30

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (845) 563-4630 TO
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

DATE: 4/19/02

APPLICANT: Gregory Shaw
744 Broadway
PO Box 2569
Newburgh, NY 12550

COPY

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE:

FOR : Denhoff Development Corp.

LOCATED AT: 124 Windsor Highway

ZONE: C Sec/ Blk/ Lot: 9-1-15.1

DESCRIPTION OF EXISTING SITE:

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. Maximum Building Height
2. Minimum Parking – 12in/ft of distance to nearest lot line


BUILDING INSPECTOR

PERMITTED

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: C USE:

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD:

REQ'D TOTAL SIDE TD:

REQ'D REAR YD:

REQ'D FRONTAGE:

MAX BLDG HT: 36ft

50ft

14ft

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

PARKING: 87spaces

65spaces

22spaces

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and under slab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

RECEIVED

JAN 22 2002

BUILDING DEPARTMENT

FOR OFFICE USE ONLY:
Building Permit #: 2002-0046

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS
REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises Denhoff Development Corp
c/o Mike Denhoff

Address 711 Third Ave, 15th Fl., NY, NY 10017 Phone # _____

Mailing Address _____ Fax # 561-3027

Name of Architect N.A.

Address _____ Phone _____

Name of Contractor N.A.

Address _____ Phone _____

State whether applicant is owner, lessee, agent, architect, engineer or builder Owner

If applicant is a corporation, signature of duly authorized officer _____

(Name and title of corporate officer)

1. On what street is property located? On the West side of 124 Windsor Highway
(N, S, E or W)
and 1500 feet from the intersection of Ruschi Road

2. Zone or use district in which premises are situated C Is property a flood zone? Y N X

3. Tax Map Description: Section 9 Block 1 Lot 15.1

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy Vacant Lot b. Intended use and occupancy Retail Bldg

5. Nature of work (check if applicable) ☐ New Bldg. ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☐ Other

6. Is this a corner lot? No

7. Dimensions of entire new construction. Front _____ Rear _____ Depth _____ Height _____ No. of stories _____

8. If dwelling, number of dwelling units: _____ Number of dwelling units on each floor _____

Number of bedrooms _____ Baths _____ Toilets _____ Heating Plant: Gas _____ Oil _____
Electric/Hot Air _____ Hot Water _____ If Garage, number of cars _____

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____

10. Estimated cost _____ Fee _____

Planning
Board

PAID

\$50
-
n# 10023

____/____/____
date

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock
Asst. Inspectors: Frank Liel & Louis Krychear
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(845) 563-4618
(845) 563-4695 FAX

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.


(Signature of Applicant)

Engineer For Applicant/
Owner

744 Broadway, Newburgh
(Address of Applicant)

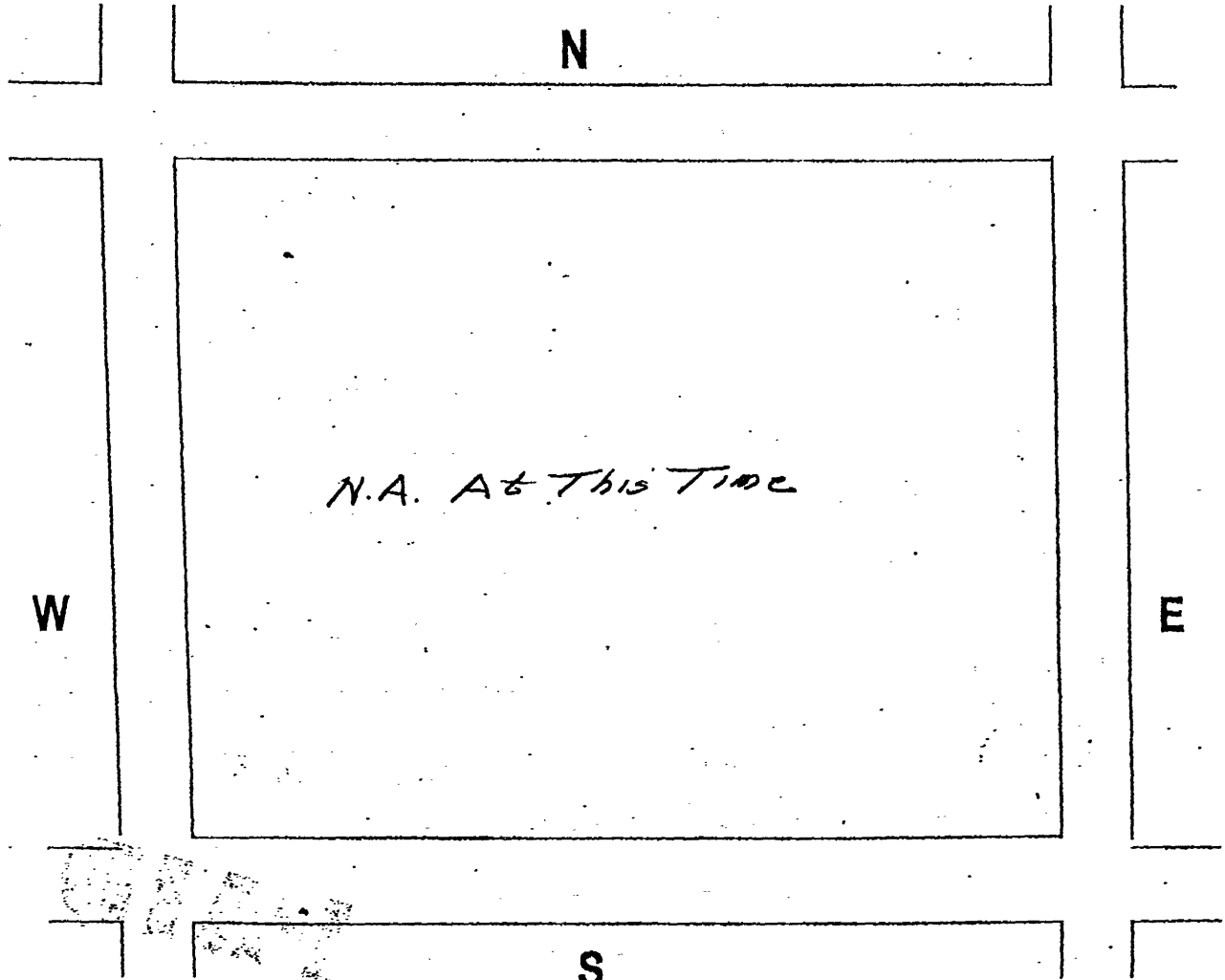
(Owner's Stamp Here)

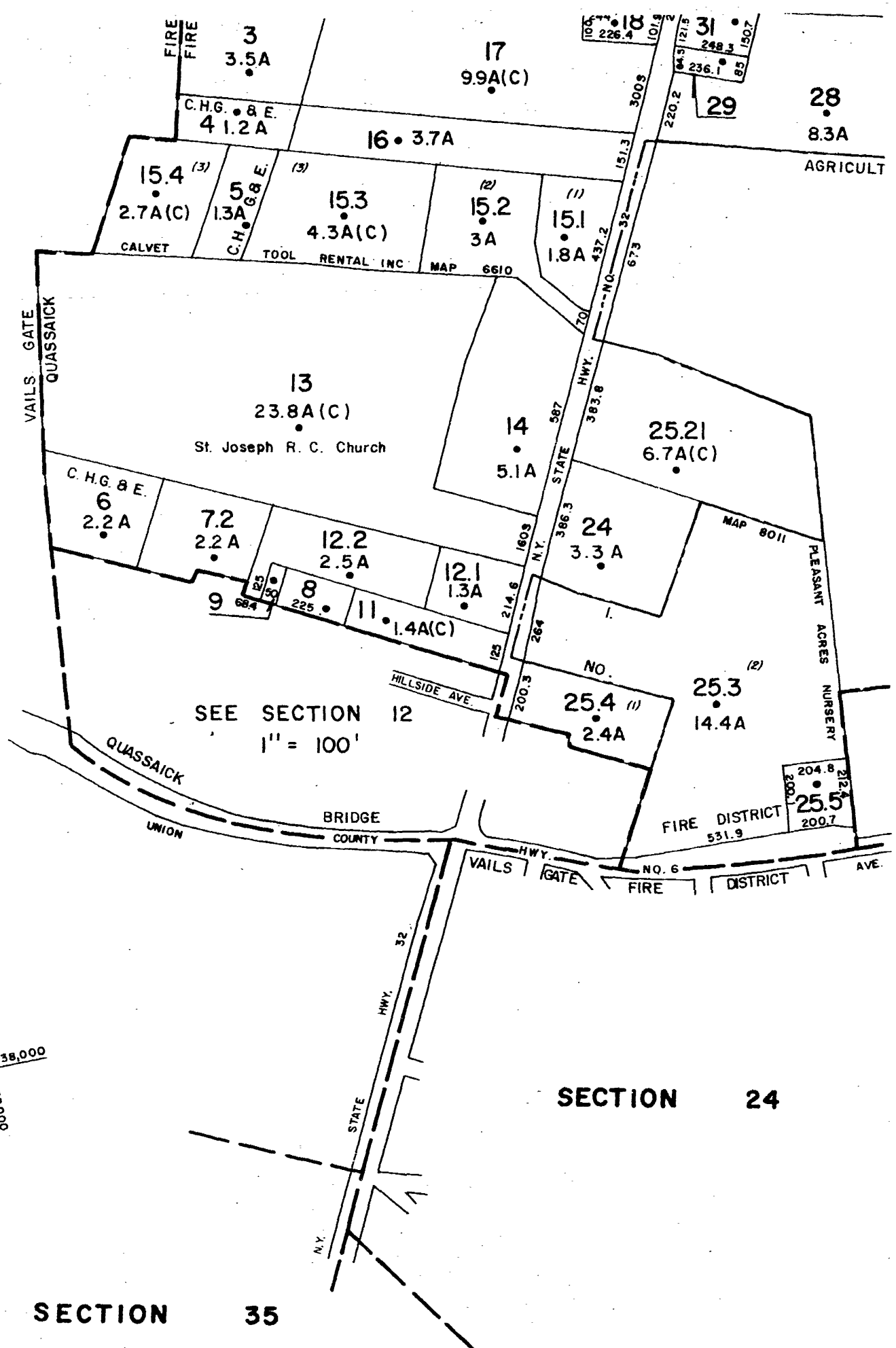
(Owner's Address)

PLOT PLAN

NOTE:

Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.





154 WINDSOR HIGHWAY

C ZONE

#92-48 06/14/93

REQUEST FOR 104 S.F. SIGN AREA VARIANCE FOR A FREE-STANDING SIGN FOR ITS "M-MALL TO BE LOCATED IN THE FRONT PORTION OF PARKING LOT KNOWN AS "HERITAGE SQUARE".

9-1-15.1 APOLLO LAND DEVELOPMENT, INC. USE/SIGN VARIANCE

GRANTED

124 WINDSOR HIGHWAY #86-27 PI ZONE 09/08/86

Request for use variance for construction of mini-mall with retail stores and Office use. Also, request for 60 s.f. sign variance for directory sign. (denhoff development Corp.)

9-1-15.1 DENHOFF DEVELOPMENT CORP. AREA VARIANCE

GRANTED

124 WINDSOR HIGHWAY C ZONE

#90-36

12/10/90

Request for 23.34 ft. Building height and 38.34 ft. Height variance for clock tower to Construct commercial mall on the front portion of 124 windsor highway (front portion of Calvet rental property). Request was made on october 28,1991 to extend the variance for One year which would expire on 12/10/92 due to the fact that the town delayed Construction on sewer district #24. Further request was made for additional extensions And approved through 12/10/93. On 11/08/93 a motion was made, seconded and carried to Extend variance through 01/20/95. On 12/12/94 a further extension was requested from Denhoff and was granted through 01/20/96. On 12/11/95 an extension of one year was granted to applicant for variance issued above to Expire on 01/20/97.

IN NOVEMBER 25,1996, AN EXTENSION OF ONE YEAR WAS GRANTED TO DENHOFF DEVELOPMENT FOR THEIR AREA VARIANCE (GRANTED ON 1/28/91). THIS FURTHER EXTENSION WOULD EXPIRE ON 01/20/98.

9-1-15.2, CALVET, HAROLD AREA VARIANCE

GRANTED

3&4 41 WINDSOR HIGHWAY/GI ZONE -

LOT AREA/FRONT YD.

CONST. OF STORAGE BUILDING #70-2

9-1-15.2,3,4 CALVET, HAROLD VARIANCE

GRANTED

41 WINDSOR HIGHWAY RB ZONE

REQUEST FOR TOOL RENTAL BUSINESS.

9-1-15.2 CALVET, MICHAEL C ZONE #00-46

GRANTED: 10/24/00

41 WINDSOR HIGHWAY

REQUEST FOR 9 FT. HGT. AND 142 SQ. FT. SIGN AREA FOR FREESTANDING SIGN, PLUS 1.5 FT. HGT. AND 23.5 FT. WIDTH VARIANCE OR WALL SIGN AT 124 WINDSOR HIGHWAY IN A C ZONE.

9-1-15 CALVET TOOL RENTAL INC. AREA VARIANCE/INTERP.

DENIED

124 WINDSOR HIGHWAY #83-28 PI ZONE

09/26/83

Request for 1,450 s.f. area variance for lot #2 on front portion of property and 15 ft. Lot width; and interpretation that the sale of ready-mixed concrete for use by small contractors and homeowners is a permitted use on this property. The zba found that this use is a permitted use under title terms of subd. 4 and 6 of the use regs. Col. A in a pi zone. However, area variances were denied.

9-1-22 MILLER, KENNETH J.

USE/AREA VARIANCE

GRANTED

ROUTE 32 #73-13

CONST OF BLDG. FOR SALE OF NEW/USED CARS/CAMPERS/TRAILERS IN GI ZONE

ZBA #02-30

**Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611**

**RECEIPT
#506-2002**

06/05/2002

Denhoff Development Corporation

**Received \$ 150.00 for Zoning Board Fees on 06/05/2002. Thank you for
stopping by the Town Clerk's office.**

As always, it is our pleasure to serve you.

**Deborah Green
Town Clerk**

ZONING BOARD OF APPEALS:TOWN OF NEW WINDSOR
COUNTY OF ORANGE:STATE OF NEW YORK

-----X
In the Matter of the Application for Variance of

Denhoff Development

#02-30.

AFFIDAVIT OF
SERVICE
BY MAIL

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

PATRICIA A. CORSETTI, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at
7 Franklin Avenue, New Windsor, N. Y. 12553.

That on the 23rd day of May, 2002, I compared the 11
addressed envelopes containing the Public Hearing Notice pertinent to this case
with the certified list provided by the Assessor regarding the above application
for a variance and I find that the addresses are identical to the list received. I
then caused the envelopes to be deposited in a U.S. Depository within the Town
of New Windsor.

Patricia A. Corsetti

Notary Public

Sworn to before me this

____ day of _____, 20____.

Notary Public

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE

02-30
Date: 6-4-2002

I. ✓ Applicant Information:

- (a) Denhoff Development Corp. 711 Third Ave, NY, NY 10017
(Name, address and phone of Applicant) (Owner)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) _____
(Name, address and phone of contractor/engineer/architect/surveyor)

II. Application type:

☐ Use Variance
☒ Area Variance

☐ Sign Variance
☐ Interpretation

✓ III. Property Information:

- (a) C 124 Windsor Highway 9-1-15.1 1.8 Ac.
(Zone) (Address of Property in Question) (S-B-L) (Lot size)
- (b) What other zones lie within 500 feet? None
- (c) Is pending sale or lease subject to ZBA approval of this Application? No
- (d) When was property purchased by present owner? 1988
- (e) Has property been subdivided previously? Yes
- (f) Has property been subject of variance previously? yes If so, when? 1986, 1990
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning/Fire Inspector? No
- (h) Is there any outside storage at the property now or is any proposed? No

n/A IV. Use Variance.

- (a) Use Variance requested from New Windsor Zoning Local Law,
Section _____, Table of _____ Regs., Col. _____.

(Describe proposal) _____

(b) The legal standard for a "Use" Variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

✓ V. Area Variance:

(a) Area variance requested from New Windsor Zoning Local Law,
Section 48-9, Table of Use/Bulk Reg. Regs., Col. I & O
& 12

	Permitted	Proposed or Available	Variance Request
Min. Lot Area	40,000 sf	80,734 sf	
Min. Lot Width	200 ft	408 ft	
Reqd. Front Yd.	60 ft	75 ft	
Reqd. Side Yd.	30 ft/70 ft	56 ft /114 ft	
Reqd. Rear Yd.	30 ft	36 ft	
Reqd. Street Frontage*	-	-	
Max. Bldg. Hgt.	36 ft	50 ft	14 ft
Min. Floor Area*	-	-	
Dev. Coverage*	-	-	
Floor Area Ratio**	.50	.16	
Parking Area	87 Spaces	65 Spaces	22 Spaces

* Residential Districts only

** Non-residential districts only

✓ (b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe

why you believe the ZBA should grant your application for an area variance:

Refer To Attached Narrative

VI. Sign Variance:

- (a) Variance requested from New Windsor Zoning Local Law, Section _____, Supplementary Sign Regulations

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign #1	_____	_____	_____
Sign #2	_____	_____	_____
Sign #3	_____	_____	_____
Sign #4	_____	_____	_____

- (b) Describe in detail the sign (s) for which you seek a variance, and set forth your reasons for requiring extra or oversized signs.

- (c) What is total area in square feet of all signs on premises including signs on windows, face of building and free-standing signs? _____.

VII. Interpretation.

- (a) Interpretation requested of New Windsor Zoning Local Law, Section _____.

- (b) Describe in detail the proposal before the Board:

VIII. Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

Refer To Attached Narrative

IX. Attachments required:

- ☒ Copy of referral from Bldg./Zoning Inspector or Planning Board.
- ☒ Copy of tax map showing adjacent properties.
- ☒ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- ☒ Copy of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☐ Copy(ies) of sign(s) with dimensions and location.
- ☒ Two (2) checks, one in the amount of \$ 150.00 and the second check in the amount of \$ 566.00, each payable to the TOWN OF NEW WINDSOR.
- ☒ Photographs of existing premises from several angles.

X. Affidavit.

Date: 5/20/02

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

(Applicant)

Sworn to before me this

28 day of May, 2002.

XI. ZBA Action:

(a) Public Hearing date: _____.

REUBEN SAMUEL
Notary Public, State of New York
No. 02SA5088642
Qualified in Westchester County
Commission Expires Nov 24 2005

PROXY AFFIDAVIT

SUBMISSION OF APPLICATION FOR VARIANCE # 02-30

ZONING BOARD OF APPEALS

TOWN OF NEW WINDSOR

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

it is Denhoff Development Corp., deposes and says:
~~I am~~ the OWNER of a certain parcel of land within the TOWN OF NEW
WINDSOR designated as tax map SECTION 9 BLOCK 1
LOT 15.1. I HEREBY AUTHORIZE Gregory J. Shaw, P.E.
of Shaw Engineering (company name) to make an
application before the ZONING BOARD OF APPEALS as described in
the within application.

Dated: 05/28/02

(Signature of Owner)

Sworn to before me this

28 day of May, 2002

Notary Public

REUBEN SAMUEL

Notary Public, State of New York

No. 02SA5088642

Qualified in Westchester County

(ZBA DISK#1-060895.PXY) Nov 24 2005

Date 5/29/02

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

2250

TO Frances Roth DR.
168 N. Drury Lane
Newburgh, N.Y. 12550

DATE			CLAIMED	ALLOWED
4/13/02		Zoning Board Mtg	75	00
		Misc. - 2		
		North Plank Development - 6		
		Colandrea - 3		
		Corbett - 1		
		Denhoff - 5		
		Salomottoff - 5		
		House of Apache - 5		
		Preyer - 2		
		Smith - 4		
		Roberts - 3	184	50
		Trapp - 3		
		Coplan - 2	259	50

Lawrence W. Forley

May 13, 2002

12

DENHOFF DEVELOPMENT

MR. TORLEY: Request for 14 ft. building height and 22 parking space variance for construction of commercial building at front portion of 124 Windsor Highway in a C zone.

Nobody is here right now so we'll move on.

DENHOFF DEVELOPMENT - CONTINUED

Mr. Gregory Shaw of Shaw Engineering appeared before the board for this proposal.

MR. SHAW: Thank you. Again, for the record, my name is Greg Shaw with Shaw Engineering. I'm representing Denhoff Development Corporation on a parcel of land a little less than two acres on the west side of Windsor Highway immediately below United Rentals. This plan you have seen before, I originally came before this board I think back in '89, '90 for a couple of variances, one was for a clock tower to allow the construction of a 50 foot clock tower in the middle of the building. We got that variance. I believe my client following that had come before this board a couple of times and got repeated extensions and I believe that variance has now expired. So we're back before this board tonight again asking for the variance for the clock tower and I may point out it's not the building height of the roof itself that's only going to be 30 feet high and we're allowed to go 36 feet high, it's just for the clock tower structure itself. We're here for an additional variance. This building before you, the 12,960 square feet is the identical size that we got site plan approval back in the very early '90's. We have actual architectural drawings. My client is ready to construct it. Nothing has changed with respect to this site, other than the zoning ordinance. And at the time we got site plan approval, we were allowed to deduct 25 percent of the building area for storage and the other 75 percent we had to provide parking for. Now, the zoning ordinance requires parking for a hundred percent of the building area, so before where we had enough parking now we're deficient. We're required to provide a total of 87 parking spaces and we're providing 65 parking spaces. Again, a function of the change in the zoning ordinance from the early '90's to this date. So that's pretty much it.

MR. KANE: What kind of storage is going in there, Greg?

MR. SHAW: All retail and for the public hearing, I do have the architectural drawings and it's quite

attractive, if I must say so myself. Unfortunately, the only other option if the parking variance is not granted is to go back and redo all the architectural drawings and reduce the size of the building.

MR. TORLEY: The Town Board has decided that based on the experience they had that that 25 percent set aside for reduction of parking space was causing problems and that's why we went to the hundred percent. So you have to be willing to speak as to why we should change the mind of the Town Board and let you still have the 25 percent reduction.

MR. SHAW: Yes.

MR. TORLEY: Since all the things have expired, you're starting from ground zero.

MR. SHAW: Correct, we have not made application to the planning board, the rejection was done at the chairman's request by your building inspector and this is our first stop. Once we get the variance that we hope to obtain, we'll return back to the board and submit an application for site plan approval.

MR. TORLEY: So that with the board operating under the planning board operating under its present codes have not seen this plan?

MR. SHAW: Correct, the chairman did not want to see it.

MR. BABCOCK: It's basically the same plan.

MR. TORLEY: Variances on the plan that may not be what the planning board likes.

MR. BABCOCK: Well, they have approved it in the past, the exact same size building, the exact same size clock tower, the exact same size, everything, the only thing that's changed is the parking requirements, we're not quite sure he's even subject to that, Mr. Chairman, but since the variance expired, we felt that he should ask for that, he has a three year period nobody wanted to research from the time of the zoning change that

required his parking change to now to comply.

MR. TORLEY: When is the zoning change made?

MR. BABCOCK: I don't know, there's so many of them, I can't keep track.

MR. KRIEGER: Procedurally speaking, so far as the affect on the ZBA is concerned, it isn't really much of a change because it was the practice of the planning board after looking at the map once it's determined if it, that it needs variances to send them to the zoning board, so they take no action on it anyway, in this case, they just did away with even looking at the map but it really serves no function. The difficulty is really the applicant's, the sense that if the applicant is successful in obtaining variances, then the applicant is pretty much locked in to what is presented in front of the Zoning Board of Appeals and if the planning board doesn't approve that, then they have a problem cause they have variances for something else. In this particular case, presumably the applicant since they have already been through the process is not concerned about the planning board process ultimately being negative, but they go to, any applicant goes to the zoning board first at their own peril in that sense they are locked in so that--

MR. REIS: Greg, we understand that you want to maximize the use of the property, do you happen to have potential leases potentially in place for this?

MR. SHAW: No, not at this point.

MR. MC DONALD: Is there a strong possibility that these 87 parking spots would all be occupied at one time?

MR. SHAW: If you ask the Town Board, they'd tell you very realistically. At the same point in time before the zoning law was enacted increasing the number of parking spaces all the businesses in New Windsor that were allowed the 25 percent reduction, they seemed to be operating fine. So I can understand the Town Board wanting to upgrade the standards, but at the same point

May 13, 2002

21

in time, it doesn't mean that the previous standards were deficient.

MR. TORLEY: Gentlemen?

MR. REIS: Accept a motion?

MR. TORLEY: Yes.

MR. REIS: I make a motion that we set up Denhoff Development for the requested variances at 124 Windsor Highway.

MR. KANE: Second the motion.

ROLL CALL

MR. REIS	AYE
MR. KANE	AYE
MR. RIVERA	AYE
MR. MC DONALD	AYE
MR. TORLEY	AYE

PUBLIC NOTICE OF HEARING

ZONING BOARD OF APPEALS

TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 02-30

Request of Denhoff Development Corp.

for a VARIANCE of the Zoning Local Law to Permit:

the construction of a 12,960 S.F. retail building with

insufficient parking and exceeding the allowable building height

being a VARIANCE of Section 48-9 and 48-12, Use/Bulk Regulations,
Columns I and O

for property situated as follows:

West side of Windsor Highway 124 Windsor Highway

known and designated as tax map Section 9, **Blk.** 1 **Lot** 15.1

PUBLIC HEARING will take place on the 10 **day of** June,
2002 **at the New Windsor Town Hall, 555 Union Avenue, New Windsor,**
New York beginning at 7:30 o'clock P.M.

Lawrence Torley

Chairman



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4631
Fax: (845) 563-4693

Assessors Office

May 15, 2002



Gregory Shaw
744 Broadway
Newburgh, NY 12550

Re: 9-1-15.1

Dear Mr. Shaw:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$35.00, minus your deposit of \$25.00.

Please remit the balance of \$10.00 to the Town Clerk's Office.

Sincerely,

Leslie Cook
Sole Assessor

LC/lrd
Attachments

CC: Pat Corsetti, ZBA

9-1-13 & 9-1-14
Roman Catholic Church of St. Joseph
6 St. Josephs Place
New Windsor, NY 12553

9-1-31
Mario & Marion Orsini
103 Windsor Highway
New Windsor, NY 12553

9-1-15.2 & 9-1-15.3
TBS Consulting, LLC
124 Windsor Highway
New Windsor, NY 12553

9-1-16
Beverly Strack
114 Windsor Highway
New Windsor, NY 12553

9-1-17
Regina DeCrosta
108 Windsor Highway
New Windsor, NY 12553

9-1-18
MYTORI, Inc.
102 Windsor Highway
New Windsor, NY 12553

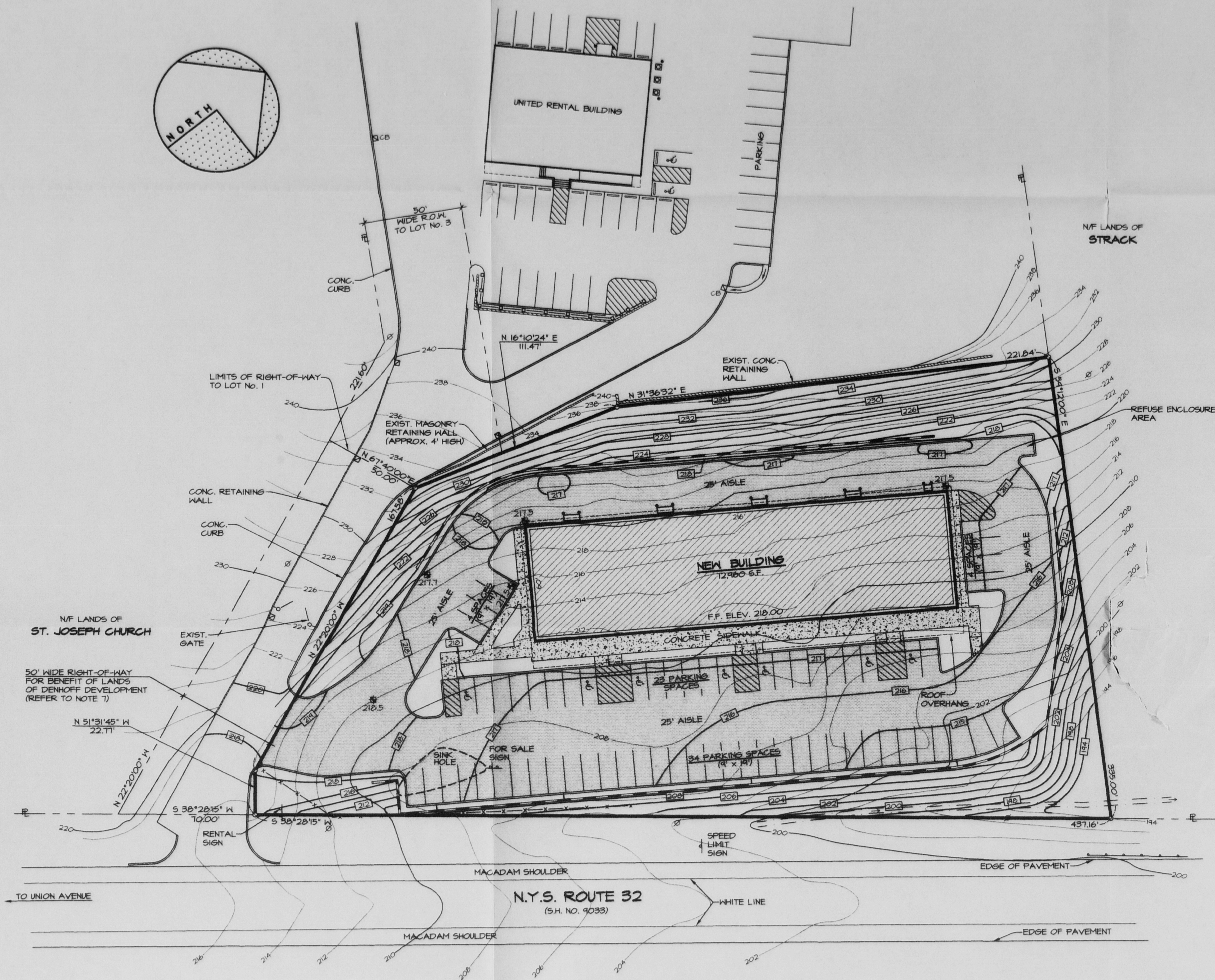
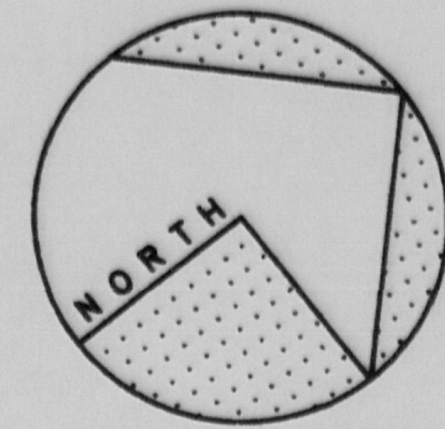
9-1-24
Joseph Kim Doo
425 Angola Road
Cornwall, NY 12518

9-1-25.21
Gerard Impellittiere Jr.
C/o Duffer's Hide-A-Way
139 Windsor Highway
New Windsor, NY 12553

9-1-26
Ernest Borchert ETAL.
Lattintown Road
Marlboro, NY 12542

9-1-28
John Devitt
334 Angola Road
Cornwall, NY 12518

9-1-29
Frank & Frances Monaco
122 South William Street
Newburgh, NY 12550



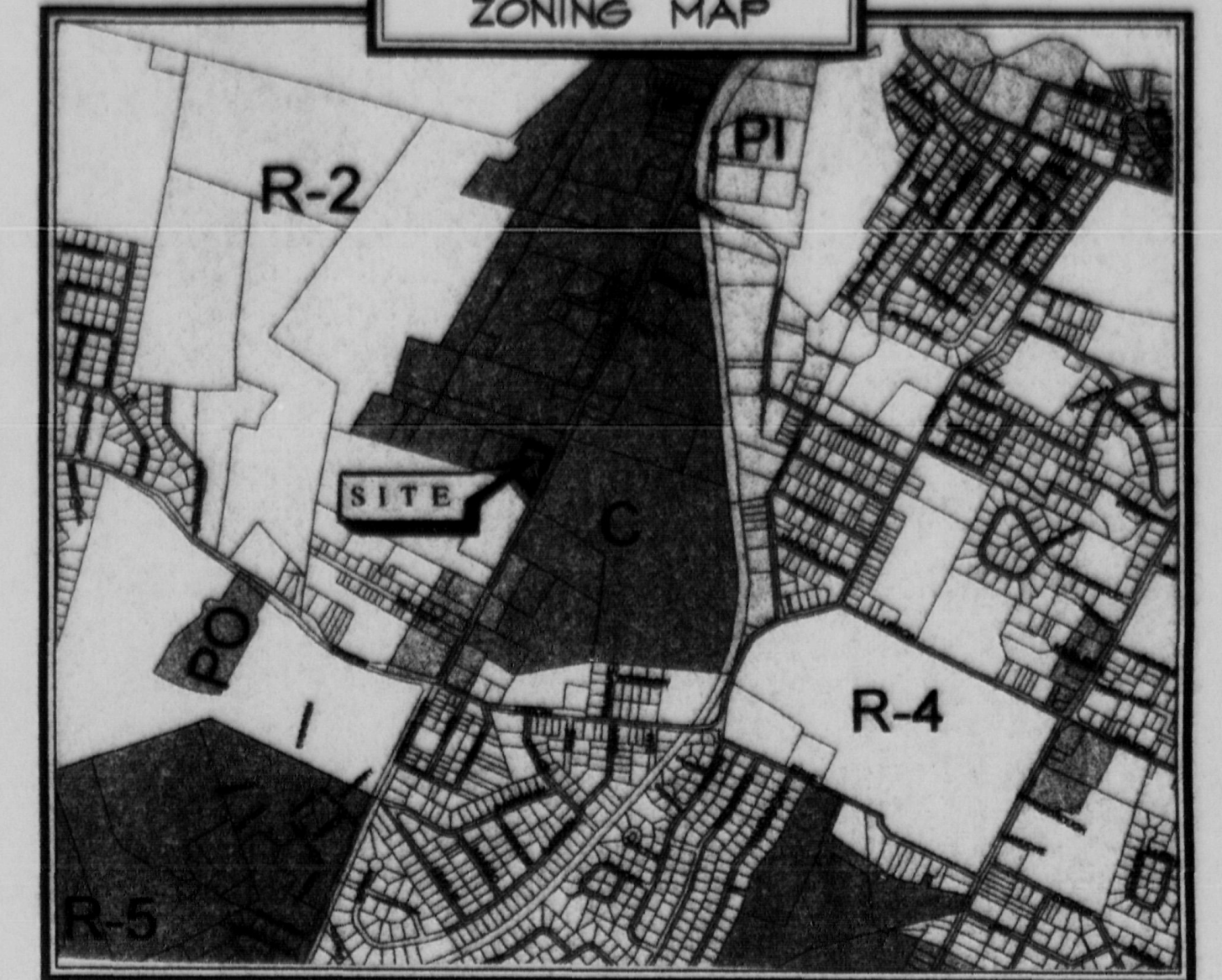
NOTES

1. ZONING DISTRICT: C. DESIGN SHOPPING
2. RECORD OWNER & APPLICANT: MIKE DENHOFF A.K.A. DENHOFF DEVELOPMENT CORP. 711 3RD AVENUE NEW YORK, N.Y. 10017
3. TOTAL PARCEL AREA: 1.85± ACRES
4. TAX MAP DESIGNATION: SECTION 9, BLOCK 1, LOT 15.1
5. THE LOCATIONS OF EXISTING UTILITIES ARE TO BE CONSIDERED AS APPROX. PRIOR TO EXCAVATION THE CONTRACTOR SHALL VERIFY THEIR LOCATIONS.
6. BOUNDARY AND PLANIMETRIC SURVEY INFORMATION OBTAINED FROM DRAWING ENTITLED 'BOUNDARY / TOPOGRAPHIC SURVEY - DENHOFF DEVELOPMENT', PREPARED BY GREVAS & HILDETH, P.C., LAND SURVEYORS, DATED MARCH 21, 2002.
7. THE RIGHT-OF-WAY DELINEATED ON THIS PLAN IS TO BENEFIT THE LANDS OF DENHOFF DEVELOPMENT CORPORATION FOR THE PURPOSES OF INGRESS AND EGRESS, AND IS RECORDED IN THE DEED DESCRIPTION FOR THE LANDS OF DENHOFF DEVELOPMENT CORP.

LEGEND

EXISTING	NEW
212 2' CONTOUR	202 FINISH GRADE
210 10' CONTOUR	WALL-PAK LIGHTING
BOUNDARY	LIGHT POLE
ADJ. PROPERTY LINE	MASONRY RETAINING WALL
UTILITY POLE	MACADAM PAVEMENT
STONEWALL	SPOT ELEVATION 218.5
WOODED LINE	

ZONING MAP



ZONING SCHEDULE

ZONE: C. DESIGN SHOPPING		
BULK REGULATIONS OF C. ZONE - USE: A-1 - RETAIL STORES		
BULK REGULATIONS: C. ZONE	REQUIRED	PROVIDED
MIN. LOT AREA	40,000 S.F.	80,734 S.F.
MIN. LOT WIDTH	200 FT.	408 FT.
MIN. FRONT YARD DEPTH	60 FT.	75 FT.
MIN. SIDE YARD - ONE	30 FT.	56 FT.
MIN. SIDE YARD - BOTH	70 FT.	114 FT.
MIN. REAR YARD DEPTH	30 FT.	36 FT.
MIN. STREET FRONTAGE	N/A	431 FT.
MAX. BUILDING HEIGHT (12' / FT. OF DISTANCE TO NEAREST LOT LINE - 36 FT.)	36 FT.	30 FT. (BLDG. ROOF) 50 FT. (CLOCK TOWER)
MAX. FLOOR AREA RATIO	0.50	0.16
DEVELOPMENT COVERAGE	N/A	-
OFF-STREET PARKING		
TOTAL SQUARE FEET = 12,960 S.F.	REQUIRED	PROVIDED
1 PARKING SPACE / 150 S.F. OF SALES AREA (12,960 S.F. / 150 S.F. PER SPACE)	87 SPACES	65 SPACES *

* DENOTES THAT A VARIANCE IS REQUIRED FROM THE NEW WINDSOR ZONING BOARD OF APPEALS.

Shaw Engineering
Consulting Engineers

744 Broadway Newburgh N.Y. 12550

UNAUTHORIZED ALTERATION OR ADDITION TO THIS DOCUMENT IS A VIOLATION OF SECTION 7209-2 OF THE NEW YORK STATE EDUCATION LAW.

COPIES FROM THE ORIGINAL OF THIS DOCUMENT WITHOUT A FACSIMILE OF THE SIGNATURE AND AN ORIGINAL OF THE STAMP OR EMBOSSED SEAL OF THE PROFESSIONAL ENGINEER SHALL NOT BE CONSIDERED VALID TRUE COPIES.

COPYRIGHT 2002 SHAW ENGINEERING

ISSUE	REVISION	DATE
-------	----------	------

NEW WINDSOR TRACKING No. PA 2002-0046

Drawn By: J.R.J.	Drawing: PRELIMINARY SITE PLAN	1 OF 1
Checked By: G.J.S.	Project: NEW SHOPPING MALL FOR DENHOFF DEVELOPMENT CORP.	
Scale: 1"=30'		
Date: 4-17-2002	N.Y.S. ROUTE 32 TOWN OF NEW WINDSOR, N.Y.	Project No. 8806